

REMARKS/ARGUMENTS

Claims 1-3 and 5-11 remain in this application. Applicants request reconsideration of this application in the view of the following remarks and arguments.

Claim rejections -35 USC § 102

The examiner has rejected claims 1-3 and 5-11 under 35 U.S.C. 102 (e) as being anticipated by Wan et al. Applicants disagree with the examiner's opinion and traverse the rejections.

MPEP § 2131 provides:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F. 2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim

Regarding claim 1, the examiner states that Wan discloses a method of enhancing a video bit stream using temporal scalability (Wan: column 4, lines 5-10), wherein peak signal-to-noise ratios of bidirectionally predicted pictures in an enhancement layer are determined with reference to peak signal-to-noise ratios of pictures in another layer. (Wan: column 5, lines 25-35; column 7 lines 50-60). It is noted that the examiner's reliance upon Wan appears to be misplaced.

Figure 15 through 20 of Wan show the simulcast and special scalability results for each test sequence, where the quarter common intermediate format (QCIF) and common intermediate format (CIF) video sequences have the same PSNR. Wan, col.11 lines 47-60. However, QCIF and CIF are standard formats for test video sequences and any coding scheme (single layer coding, simulcast coding, etc) can be used for encoding these sequences. Wan, col.7 lines 30-60. Wan does not describe determining of peak signal-to-noise ratios (PSNR) of bidirectionally predicted pictures (B pictures) in an enhancement layer with reference to the peak signal-to-noise ratio (PSNR) of pictures in other layers.

Therefore, since limitations are missing from the Wan reference, a rejection of claims 1 under 35 U.S.C. § 102(e) is improper and should be withdrawn. As such, the claim should proceed to allowance.

Regarding claim 2, the examiner states that Wan discloses a method of enhancing a video bit stream using temporal scalability (Wan: column 4, lines 5-10), wherein the number of bits allocated to encode a bidirectionally predicted picture of an enhancement layer is determined with reference to the number of bits used to encode a picture of another layer (Wan column 10, lines 25-35). It is noted that the examiner's reliance upon Wan appears to be misplaced.

Wan describes determining the bit rate for the lower layer (base layer) in simulcast coding for a video sequence based on the maximum and minimum bitrates for single layer coding of the lower layer (base layer); and parameters (A and B) obtained using logarithmic fits to the data of each stream. Wan, col. 8, lines 40-67, col. 9, lines 1-20. However, Wan does not describe determining the number of bits allocated to encode a bidirectionally predicted picture (B picture) in an enhancement layer (upper layer) with reference to the number of bits used to encode a picture in another layer. Therefore, since limitations are missing from the Wan reference, a rejection of claims 2 under 35 U.S.C. § 102(e) is improper and should be withdrawn. As such, the claim should proceed to allowance.

Regarding claim 3, the examiner states that Wan discloses a method of enhancing a video bit stream using temporal scalability (Wan: column 4, lines 5-10), wherein temporal positions of bidirectionally predicted pictures in an enhancement layer are determined to be spaced evenly with reference to temporal positions of pictures in other layers (Wan: column 5, lines 35-40). It is noted that the examiner's reliance upon Wan appears to be misplaced.

Wan describes a frame in the enhancement layer (B picture) using motion compensated prediction from the previous or next frame in display order belonging to the base layer. Wan, col. 5, lines 35-40. However, wan does not describe determining temporal positions of bidirectionally predicted pictures in an enhancement layer to be spaced evenly with reference to temporal positions of pictures in other layers. Therefore, since limitations

are missing from the Wan reference, a rejection of claims 3 under 35 U.S.C. § 102(e) is improper and should be withdrawn. As such, the claim should proceed to allowance.

Regarding claim 10, the examiner states that Wan discloses an apparatus which implements a method according to claim 1, the apparatus (Wan: figure 1) including : means for selecting temporal position.....based on information relating to a picture in another layer (Wan: column 9, lines 1-10). It is noted that the examiner's reliance upon Wan appears to be misplaced.

Wan describes a frame in the enhancement layer (B picture) using motion compensated prediction from the previous or next frame in display order belonging to the base layer. Wan, col. 5, lines 35-40. Wan describes determining the bit rate for the lower layer (base layer) in simulcast coding for a video sequence based on the maximum and minimum bitrates for single layer coding of the lower layer (base layer); and parameters (A and B) obtained using logarithmic fits to the data of each stream. Wan, col. 8, lines 40-67, col. 9, lines 1-20. However, Wan does not describe an apparatus which includes means for selecting temporal positions, PSNR and/or number of bits of a bidirectionally predicted picture based on information relating to a picture in another layer. Therefore, since limitations are missing from the Wan reference, a rejection of claims 10 under 35 U.S.C. § 102(e) is improper and should be withdrawn. As such, the claim should proceed to allowance.

Regarding claims 5-9 and 11 it is noted that claims 5-9 and 11 add limitations to what is believed to be allowable claims (claim 1 and claim 10), hence a rejection of claims 5-9 and 11 under 35 U.S.C. § 102(e) is improper and should be withdrawn. As such, the claims should proceed to allowance.

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Respectfully submitted,

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